

1 Michael W. McKelleb, Esq., 12040  
2 ANGIUS & TERRY LLP  
3 1120 N. Town Center Drive, Suite 260  
4 Las Vegas, NV 89144  
5 Telephone: (702) 990-2017  
6 Facsimile: (702) 990-2018  
7 mmckelleb@angius-terry.com  
8 Attorneys for Defendant *Copper Ridge Homeowners Association*

9 UNITED STATES DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 THE BANK OF NEW YORK MELLON  
12 TRUST COMPANY, N.A., SUCCESSOR  
13 TO THE BANK OF NEW YORK TRUST  
14 COMPANY, N.A., AS TRUSTEE FOR  
15 CHASE MORTGAGE FINANCE TRUST  
16 MULTI-CLASS MORTGAGE PASS  
17 THROUGH CERTIFICATES, SERIES 2007-  
18 A3,

19 Plaintiff,

20 v.

21 THUNDER PROPERTIES, INC; COPPER  
22 RIDGE HOMEOWNERS ASSOCIATION,

23 Defendants.

Case No.: 2:16-cv-02399-APG-NJK

STIPULATED DISCLAIMER OF  
INTEREST

ORDER

24 COME NOW, defendant COPPER RIDGE HOMEOWNERS ASSOCIATION (the  
25 "**Copper Ridge**"), by and through its counsel, ANGIUS & TERRY LLP, and plaintiff BANK OF  
26 NEW YORK MELLON TRUST COMPANY, N.A. ("**BNYM**"), by and through its counsel,  
27 Ballard Spahr, LLP, and hereby stipulate and agree as follows:

28 1. **WHEREAS**, Copper Ridge purchased the property commonly referred to as  
6947 Sacred Circle, Sparks, NV 89513, and referred to by the Washoe County Recorder as  
APN: 526-591-04 (the "**Property**") at an common-interest community non-judicial  
foreclosure sale on October 17, 2012;

1           2.     **WHEREAS**, Copper Ridge purchased the property, subject to Plaintiff's  
2 security interest in the property, through a credit bid in the amount of \$1,127.97.

3           3.     **WHEREAS**, on April 2, 2013, Copper Ridge conveyed by Quitclaim Deed all  
4 of Copper Ridge's interest in the subject property to Westland Construction Corp.

5           4.     **WHEREAS**, Plaintiff was informed and believed that Copper Ridge may hold  
6 or claim an interest in the Property;

7           5.     **WHEREAS**, on October 14, 2016, BNYM filed a complaint for, among other  
8 things, declaratory relief and quiet title against Copper Ridge and others in the United States  
9 District Court, District of Nevada as case number 2:16-cv-02399-APG-NJK;

10          6.     **WHEREAS**, on October 17, 2016, the district court entered a stay in this  
11 matter and, by order on April 12, 2017, reaffirmed that stay pending resolution of certiorari  
12 proceedings in *Bourne Valley Court Trust v. Wells Fargo Bank* and *Saticoy Bay LLC Series*  
13 *350 Durango 104 v. Wells Fargo Home Mortgage*.

14          7.     **WHEREAS**, Copper Ridge reviewed BNYM's complaint, and any exhibits  
15 thereto, if any, and thereafter negotiated the voluntary dismissal of BNYM's third claim for  
16 relief for unjust enrichment and BNYM's fourth claim for relief for conversion against  
17 Copper Ridge. BNYM agreed that it would withdraw its third claim for relief for unjust  
18 enrichment and fourth claim of relief for conversion against Copper Ridge by the filing of an  
19 amended complaint upon the lifting of the stay by the district court;

20          8.     **WHEREAS**, as a result of Copper Ridge and BNYM's agreement, the only  
21 remaining claims asserted against Copper Ridge include BNYM's first claim for relief for  
22 quiet title and declaratory relief;

23          9.     **WHEREAS**, Copper Ridge reviewed BNYM's first cause of action and  
24 determined that BNYM does not seek monetary damages against Copper Ridge, but limits its  
25 requested relief to quiet title and a declaration from the Court;

26          10.    **WHEREAS**, Copper Ridge has determined that it has no legal right, title, or  
27 interest in the Property;

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1           11.     **WHEREAS**, Copper Ridge determined that is has no interest in the Property,  
2 and therefore no interest in this matter, including any interest in any determination in relation  
3 to quiet title or any declaration this Court may make and therefore disclaims any interest in  
4 the Property whatsoever;

5           12.     **WHEREAS**, BNYM, having reviewed the foregoing, verifies that upon  
6 amending its complaint pursuant to its agreement with Copper Ridge, it would no longer seek  
7 monetary damages against Copper Ridge;

8           13.     **WHEREAS**, BNYM agrees, based upon Copper Ridge's disclaimer set forth  
9 herein, including Copper Ridge's disclaimer regarding the right of BNYM to quiet title and/or  
10 declaratory relief, that upon the affirmative agreement contained herein, wherein Copper  
11 Ridge agrees that even though it disclaims any interest in the Property or this action, that it  
12 nevertheless stipulates and agrees it is bound by any order this Court, as if it were a party  
13 herein, regarding any decision relating to the Property and BNYM's quiet title and declaratory  
14 relief causes of action;


15           14.     **WHEREAS**, based upon the foregoing representations, BNYM stipulates and  
16 agrees that upon Copper Ridge's disclaimer of interest and agreement to be bound by any  
17 order of this Court, that Copper Ridge should be dismissed from this matter;


18           15.     **WHEREAS**, based upon Copper Ridge's disclaimer set forth herein, BNYM  
19 and Copper Ridge agree to bear their own attorney's fees and costs with respect to BNYM's  
20 claims against Copper Ridge.

21           DATED this 6<sup>th</sup> day of February, 2018.

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23           ANGIUS & TERRY LLP

BALLARD SPAHR LLP

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25             
26           Bradley Epstein, Esq., SBN 5296  
27           Michael W. McKelleb, Esq., 12040  
28           1120 N. Town Center Drive, Suite 260  
            Las Vegas, NV 89144

  
Abran E. Vigil, Esq., SBN 7548  
Sylvia O. Semper, Esq., SBN 12863  
100 North City Parkway, Suite 1750  
Las Vegas, NV 89106

**IT IS SO ORDERED.**

3/6/2018

  
UNITED STATES DISTRICT JUDGE

1 Facsimile: (702) 990-2018  
2 mmckelleb@angius-terry.com  
3 *Attorneys for Defendant*  
4 *Copper Ridge Homeowners Association*

F: (702) 471-7070  
sempers@ballardspahr.com  
*Attorneys for Plaintiff*  
U.S. Bank, N.A.

5 **ORDER**

6 IT IS SO ORDERED.

7  
8 Dated this \_\_\_\_ day of February, 2018.

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11 \_\_\_\_\_  
12 DISTRICT COURT JUDGE  
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